

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MICHAEL GARCIA,

Defendant.

Cause No. CR-19-07-GF-BMM

ORDER

The Court issued an Order denying Defendant's Motion to Dismiss Count I of the Superseding Indictment on February 3, 2020. (Doc. 80.) The Defendant filed a Notice of Appeal (Interlocutory) on February 4, 2020. (Doc. 81.)

IT IS HEREBY ORDERED:

1. The trial currently set for February 11, 2020, is **VACATED** to be reset, if appropriate, following disposition of the interlocutory appeal.
2. The case is **STAYED** pending further notice from the Ninth Circuit Court of Appeals.
3. The United States shall file a motion to reset the case for trial upon the filing of the Ninth Circuit's Mandate, if appropriate.
4. For purposes of the Speedy Trial Act, all time between the date of the

Notice of Appeal (Interlocutory) and the date of the Ninth Circuit's Mandate is excluded from the Defendant's speedy trial calculation. 18 U.S.C. § 3161(h)(1)(C).

DATED this 4th of February 2020.



Brian Morris
United States District Court Judge